

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

FILED

2009 DEC 18 P 3:42

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA. SAN JOSE

SEAL BY ORDER
OF THE COURT

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

JF

SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

CR-09 01197
No.

12 Plaintiff,

13 v.

VIOLATION: 21 U.S.C. §§ 331(d) and
333(a)(2)--Introduction and Delivery of
Unapproved New Drugs Into Interstate
Commerce With The Intent To Defraud And
Mislead

RS

14 VMG GLOBAL, INC.,
15 dba AMERICAN CELLULAR LABS,

SAN JOSE VENUE

16 Defendant.

17 INFORMATION

18 The United States Attorney charges:

19 COUNT ONE: (21 U.S.C. §§ 331(d) and 333(a)(2) -- Introduction/Delivery For Introduction Of
20 Unapproved Drugs With Intent To Defraud And Mislead

21 Beginning in approximately January of 2005, and continuing through July of 2009,
22 in the Northern District of California, and elsewhere, the defendant

23 VMG GLOBAL, INC.,
24 dba AMERICAN CELLULAR LABS,

25 with the intent to defraud and mislead, did introduce, and deliver for introduction, into interstate
26 commerce new drugs, as defined at Title 21, United States Code, Section 321(p), which had not
27 been approved by the Food and Drug Administration, as required by Title 21, United States

28 ///

DOCUMENT NO.	CSA'S INITIALS
<i>Le</i>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

C
JT

AV 89


1 Code, Section 355, that is, "American Cellular Labs Tren Xtreme," and "American Cellular Labs
2 Mass Extreme."

3 All in violation of Title 21, United States Code, Sections 331(d) and 333(a)(2).
4

5 DATED: 12/18/09
6

7 JOSEPH P. RUSSONIELLO
8 United States Attorney

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11 MATTHEW A. PARRELLA
12 Chief, CHIP Unit

13 (Approved as to form: )
14 AUSA PARRELLA
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 USC 331(d) & 333 (a)(2) -- Introduction and Delivery of
 Unapproved New Drugs Into Interstate Commerce With The
 Intent To Defraud And Mislead

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

 PENALTY: 3 years custody; \$10,000 fine; 1 year supervised release; special
 assessment \$100.

 SEALED BY ORDER
 OF THE COURT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

2009 DEC 18 P 3:42

VMG GLOBAL, INC.,

dba AMERICAN CELLULAR LAB

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

N.D. CA. SAN JOSE

DISTRICT COURT NUMBER

CR-09 01197

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior
 summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FDA

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:
SHOW
DOCKET NO.
☐ U.S. ATTORNEY ☐ DEFENSE

☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form Joseph P. Russoniello

☒ U.S. Attorney ☐ Other U.S. Agency
Name of Assistant U.S.
Attorney (if assigned)

AUSA Matthew A. Parrella

PROCESS:
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ADDITIONAL INFORMATION OR COMMENTS